

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RYAN C. FORD, a Minor, by and through his
Guardian, GARY GOODEMOTE,
8723 West Ridge Road
Girard Township, PA 16417

No. 05-54 Erie

And

ROBERT FORD and MAE FORD,
Individually,
8723 West Ridge Road
Girard Township, PA 16417

ELECTRONICALLY FILED

Plaintiffs,

v.

ICON HEALTH AND FITNESS, INC.,
1550 South 100 West
Logan, UT 84110

and

SEARS, ROEBUCK AND COMPANY,
3333 Beverly Road
Hoffman Estates, IL 60179

Defendants.

MOTION TO COMPEL DISCOVERY RESPONSES

Defendants, Icon Health and Fitness, Inc., and Sears, Roebuck and Co., by and through the undersigned counsel, submits the following Motion to Compel Discovery Responses.

1. This action was initiated by Plaintiffs in the Court of Common Pleas of Erie County by filing of a complaint on or about January 11, 2005, and removed to this Court by Defendants on or about February 9, 2005, pursuant to this Court's diversity jurisdiction.

2. This Court entered a Case Management Order on June 14, 2005 setting a discovery deadline of January 6, 2006.

3. Defendants served their Interrogatories Directed to Plaintiffs and First Request for Production of Documents on July 8, 2005.

4. Pursuant to Fed.R.C.P. 33 and 34, responses to those discovery requests were due by August 8, 2005.

5. Defendants have attempted in good faith to obtain responses from Plaintiff, including requesting those responses by correspondence dated August 22, 2005, a copy of which is attached hereto as Exhibit "A."

6. Defendants have not received any responses to their discovery requests as of the date of this filing.

WHEREFORE, Defendants respectfully request that the Court enter the attached Order of Court compelling Plaintiffs to provide responses to Defendants' discovery requests within twenty (20) days.

Respectfully submitted,

Picadio Sneath Miller & Norton

By: /s/ Andrew F. Szefi

Henry M. Sneath, Esquire

Pa. I.D. No. 40559

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Date: September 2, 2005

Counsel for Defendants

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ORDER OF COURT

AND NOW, on this _____ day of _____, 2005, in consideration of the foregoing Motion to Compel Discovery Responses, it is hereby ORDERED that Plaintiffs are to provide full and complete responses to Defendants Interrogatories Directed to Plaintiffs and First Request for Production of Documents within twenty (20) days of the date of this Order or face further sanctions as may be deemed appropriate by the Court.

BY THE COURT:

_____, J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion to Compel has been served upon all parties either individually or through counsel by:

_____ Hand Delivery
__X__ First Class Mail, Postage Prepaid
_____ Certified Mail Return Receipt Requested
_____ Facsimile
_____ Federal Express / Overnight Mail

at the following addresses:

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/s/ Andrew F. Szefi
Henry M. Sneath, Esquire
Andrew F. Szefi, Esquire
Counsel for Defendants

Date: September 2, 2005